

CERTIFICATE OF EFS FILING UNDER 37 CFR §1.8

I hereby certify that this correspondence is being electronically transmitted to the United States Patent and Trademark Office, Commissioner for Patents, via the EFS pursuant to 37 CFR §1.8 on the below date:

Date: January 14, 2011 Name: Ryan Gleitz, Reg. No. 62,164 Signature: 

Docket No. MP0974 (13036/15)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	)	
William Randolph Schmidt	)	
Serial No.: 10/630,419	)	Examiner: Neil McLean
Filing Date: July 30, 2003	)	Group Art Unit No: 2625
For: Printer Formatter With Print Server	)	Confirmation No.: 7838

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Dear Sir:

Applicants request review of the Final Rejection mailed September 21, 2010 in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reasons stated on the attached sheets. No more than five (5) pages are provided.

## **I. INTRODUCTION**

Claims 36, 39-42, 44-46, 48-52, and 62-67 are pending in the application. The amendments filed November 22, 2010 were entered by the Advisory Action of December 14, 2010. The Advisory Action appears to reject claim 36 under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 6,667,810 (“Jeyachandran”) in view of U.S. Patent No. 6,096,091 (“Hartman”) and further in view of U.S. Patent Application Publication No. 2002/0181008 (“Nozaki”).

However, the Advisory Action does not actually state the statutory basis for the rejection and does not address any claims except claim 36. Applicants assume that the Advisory Action intends to reject all pending claims under 35 U.S.C. §103(a) as being unpatentable over Jeyachandran, Hartman, and Nozaki.

## **II. REJECTIONS UNDER 35 U.S.C. § 103**

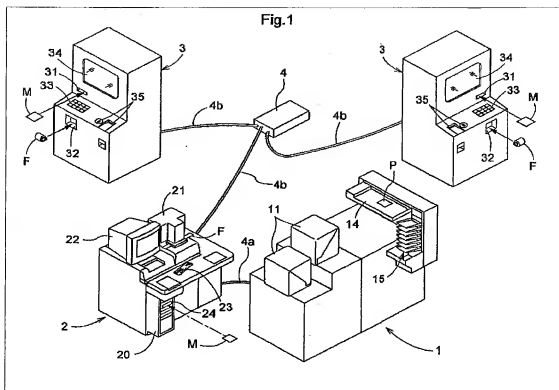
- A. None of the prior art teaches a processor to perform at least one print function associated with a print job wherein the print server module is configured to generate a print server interrupt signal in response to detecting the print job and the processor is configured to interrupt the at least one print function and perform a print server function in response to receiving the print server interrupt signal.**

Claim 36 recites, *inter alia*, “a processor to perform at least one print function associated with a print job ... wherein the ... processor is configured to interrupt the at least one print function and perform a print server function in response to receiving the print server interrupt signal.”

Jeyachandran describes a client component and a server component that may be present in the same device or in different devices connected across a network. *See* col. 17, lines 43-46. Hartman describes a chain of logical networks and an embedded processor that operates to reconfigure one or more of the logical networks. *See* col. 3, line 65 – col. 4, line 2. The Office Action acknowledges that neither Jeyachandran nor Hartman describes a print server interrupt. *See* Advisory Action, p. 2, last paragraph. The Office Action asserts that Nozaki describes a print server interrupt as claimed. Applicant respectfully disagrees.

Nozaki describes a print sharing control technique that allows computers connected to a network to share a printer. *See* ¶4. As shown in Figure 1 reproduced below, the print share control technique is implemented by a photo printing system that includes several photo print ordering

devices 3, a control station 2 (also referred to as a print server), and a print station 1 connected to the control station. *See* ¶¶ 27, 31. The print server 2 is a computer unit on an operation table complete with CRT display and keyboard. *See* ¶ 31.



The print server also includes a printer sharing control program. *See* Fig. 2, ¶ 34. The printer sharing control program includes an interrupt print control table. *See* Fig. 3. The Advisory Action asserts that the interrupt print control table demonstrates that Nozaki teaches that the print server module is configured to generate a print server interrupt signal in response to detecting the print job and that the processor is configured to interrupt the at least one print function and perform a print server function in response to receiving the print server interrupt signals. Applicants respectfully disagree.

The interrupt print control table is not a print server interrupt signal in response to detecting the print job. Nozaki states that the interrupt print control table is a priority process control file (also referred to as interrupt printing condition information). *See* Fig. 4. In other words, the interrupt print control table sets the priorities. Nozaki expressly states that the interrupt printing condition information is “set” for each terminal. *See* ¶¶ 41, 42; claim 1 (“storing interrupt printing condition information set to each print request source”). Further, the priority process control file or interrupt printing condition information includes an index of the terminals and each terminal’s priority. *See*

Fig. 4. Therefore, Nozaki's interrupt print control table contains nothing that can reasonably be considered generated in response to detecting the print job. Further, because nothing interrupts the print server, Nozaki does not teach or suggest a print server interrupt signal in response to detecting the print job.

In addition, Nozaki does not teach or suggest that a processor, which performs a print function associated with a print job, is configured to interrupt the print function and performs a print server function in response to receiving the print server interrupt signal. Nozaki teaches that terminals are given priority over one another and a series of prints from one terminal may be "interrupted" by another terminal. See ¶43. Applicants do not dispute that an interrupt of this type may be sent from the print server to the printer. However, such an interrupt could not reasonably be considered to interrupt the print function of the processor and cause the processor to perform a print server function.

Moreover, the Advisory Action sets forth printer server functions as "e.g., suspend printing upon completion of printing, send error notice, create spool file, or select from the print spool files stored temporarily based on the interrupt printing condition information ..." These functions are performed by the printer server 2, shown above, which includes a computer unit. However, the print function is performed by a completely separate device, print station 1. It is not possible for any signals or data sent from the printer server 2 to print station 1 to cause any processor to (1) interrupt the print function of the processor and (2) perform a print server function. In Nozaki, the processor that performs printing never performs any print server functions. The functions listed by the Advisory Action are performed by another device.

For at least these reasons, Applicant respectfully submits that none of Jeyachandran, Hartman, Nozaki, or combinations thereof teaches or suggests all of the features of claim 36. Accordingly, Applicant respectfully requests that the rejection of independent claim 36 as well as dependent claims 39-42, 44-46, and 48-52 be withdrawn.

- B. None of the prior art teaches interrupting the processor from the at least one print function associated with the first print job in response to the print server interrupt signal; and performing, using the processor and in response to the print server interrupt signal, at least one print server function associated with the second print job.**

Claim 62 recites, *inter alia*, “performing, using a processor, at least one print function associated with the first print job; ... interrupting the processor from the at least one print function associated with the first print job in response to the print server interrupt signal; and performing, using the processor and in response to the print server interrupt signal, at least one print server function associated with the second print job.”

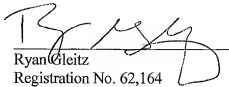
The Office Action acknowledges that neither Jeyachandran nor Hartman describes a print server interrupt. *See* Advisory Action, p. 2, last paragraph. Applicant respectfully submits that Nozaki fails to fill in the gaps left by Jeyachandran and Hartman. Nozaki describes a priority control file that sets priority among terminals. Printing from one terminal may be temporarily halted by the print server based on a new request. *See* ¶12. The printer performs no server functions. Therefore, even if the printer is interrupted, Nozaki cannot be considered to describe performing, using a processor, at least one print function associated with the first print job and performing, using the processor and in response to the print server interrupt signal, at least one print server function associated with the second print job.

For at least these reasons, Applicant respectfully submits that none of Jeyachandran, Hartman, Nozaki, or combinations thereof teaches or suggests all of the features of claim 62. Accordingly, Applicant respectfully requests that the rejection of independent claim 62 as well as dependent claims 63-67 be withdrawn.

### III. CONCLUSION

For the foregoing reasons, Applicant respectfully requests the allowance of claims 36, 39-42, 44-46, 48-52, and 62-67. If for any reason the Examiner is not able to allow the application, he is requested to contact the Applicant's undersigned attorney at (312) 321-4200.

Respectfully submitted,

  
Ryan Gleitz  
Registration No. 62,164  
Attorney for Applicant

BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, ILLINOIS 60610  
(312) 321-4200